

HONORABLE JUDGE BENJAMIN H. SETTLE
MAGISTRATE JUDGE J. RICHARD CREATURA

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

WILLIAM MARTIN,

Plaintiff,

v.

JEFF UTTECHT, et al.,

Defendants.

NO. 3:18-cv-05929-BHS-JRC

DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTIONS FOR A
STAY

Defendants, through their attorneys, hereby respond to Plaintiff's motions requesting an extension of time, construed as requests for a stay in proceedings, at Dkt. Nos. 41 and 43.

I. RESPONSE

Defendants do not stipulate to Plaintiff's facts¹. Nor does it appear Plaintiff would be prejudiced by this matter continuing, with the dispositive motion deadline passed², and with Plaintiff already having responded to Defendants' motion for summary judgment. *See* Dkt. Nos. 40 and 42. Further, as it relates to the COVID-19 epidemic, the Court already appears to be managing scheduling through issue of General Orders.

¹ The Washington State Department of Corrections is providing the public with information related to its preparation for, and response to, the COVID-19 pandemic at <https://www.doc.wa.gov/news/covid-19.htm>.

² The dispositive motion deadline was on March 6, 2020, there appears to be no other deadlines currently in place in this matter. Dkt. No. 24.

1 At the same time, Defendants concede they would be unlikely to suffer any measurable
2 prejudice through a modest delay here. Defendants are therefore amenable to any stay, delay, or
3 extension of time the Court believed to be reasonable.

4 **II. CONCLUSION**

5 Defendants submit that any stay or extension of time would be best managed through the
6 Court's General Orders related to the COVID-19 epidemic. But should the Court believe this
7 matter deserves additional scheduling management beyond what is covered by General Orders,
8 Defendants would not oppose any reasonable delay in the proceedings here, should Plaintiff's
9 lawsuit continue past summary judgment.

10 RESPECTFULLY SUBMITTED this 25th day of March 2020.

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